

ASSEMBLY BILL

No. 1004

Introduced by Assembly Member Portantino

February 27, 2009

An act to amend Section 54953 of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1004, as introduced, Portantino. Open meetings: teleconferences.

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend. The act authorizes a legislative body to use teleconferencing, subject to specified requirements, including that each teleconference location be accessible to the public and that at least a quorum of the members of the body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

This bill would delete the requirement that at least a quorum of the members of the body participating in a teleconferenced meeting be located within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would also delete obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54953 of the Government Code is
2 amended to read:

1 54953. (a) All meetings of the legislative body of a local
2 agency shall be open and public, and all persons shall be permitted
3 to attend any meeting of the legislative body of a local agency,
4 except as otherwise provided in this chapter.

5 (b) (1) Notwithstanding any other ~~provision~~ of law, the
6 legislative body of a local agency may use teleconferencing for
7 the benefit of the public and the legislative body of a local agency
8 in connection with any meeting or proceeding authorized by law.
9 The teleconferenced meeting or proceeding shall comply with all
10 requirements of this chapter and all otherwise applicable provisions
11 of law relating to a specific type of meeting or proceeding.

12 (2) Teleconferencing, as authorized by this section, may be used
13 for all purposes in connection with any meeting within the subject
14 matter jurisdiction of the legislative body. All votes taken during
15 a teleconferenced meeting shall be by rollcall.

16 (3) If the legislative body of a local agency elects to use
17 teleconferencing, it shall post agendas at all teleconference
18 locations and conduct teleconference meetings in a manner that
19 protects the statutory and constitutional rights of the parties or the
20 public appearing before the legislative body of a local agency.
21 Each teleconference location shall be identified in the notice and
22 agenda of the meeting or proceeding, and each teleconference
23 location shall be accessible to the public. ~~During the teleconference,~~
24 ~~at least a quorum of the members of the legislative body shall~~
25 ~~participate from locations within the boundaries of the territory~~
26 ~~over which the local agency exercises jurisdiction, except as~~
27 ~~provided in subdivision (d).~~ The agenda shall provide an
28 opportunity for members of the public to address the legislative
29 body directly pursuant to Section 54954.3 at each teleconference
30 location.

31 (4) For the purposes of this section, “teleconference” means a
32 meeting of a legislative body, the members of which are in different
33 locations, connected by electronic means, through either audio or
34 video, or both. Nothing in this section shall prohibit a local agency
35 from providing the public with additional teleconference locations.

36 (c) No legislative body shall take action by secret ballot, whether
37 preliminary or final.

38 ~~(d) (1) Notwithstanding the provisions relating to a quorum in~~
39 ~~paragraph (3) of subdivision (b), when a health authority conducts~~
40 ~~a teleconference meeting, members who are outside the jurisdiction~~

1 of the authority may be counted toward the establishment of a
2 quorum when participating in the teleconference if at least 50
3 percent of the number of members that would establish a quorum
4 are present within the boundaries of the territory over which the
5 authority exercises jurisdiction, and the health authority provides
6 a teleconference number, and associated access codes, if any, that
7 allows any person to call in to participate in the meeting and that
8 number and access codes are identified in the notice and agenda
9 of the meeting.

10 (2) Nothing in this subdivision shall be construed as
11 discouraging health authority members from regularly meeting at
12 a common physical site within the jurisdiction of the authority or
13 from using teleconference locations within or near the jurisdiction
14 of the authority. A teleconference meeting for which a quorum is
15 established pursuant to this subdivision shall be subject to all other
16 requirements of this section.

17 (3) For purposes of this subdivision, a health authority means
18 any entity created pursuant to Sections 14018.7, 14087.31,
19 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
20 and Institutions Code, any joint powers authority created pursuant
21 to Article 1 (commencing with Section 6500) of Chapter 5 of
22 Division 7 for the purpose of contracting pursuant to Section
23 14087.3 of the Welfare and Institutions Code, and any advisory
24 committee to a county-sponsored health plan licensed pursuant to
25 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
26 Health and Safety Code if the advisory committee has 12 or more
27 members.

28 (4) This subdivision shall remain in effect only until January 1,
29 2009.